IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

CRP.No. 397 of 2004()

(AGAINST THE ORDER DATED 11/12/2003 IN EP 462/02 IN LAR.751/1988 ON THE FILE OF THE SUB COURT, ERNAKULAM)

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REVN. PETITIONERS: JUDGMENT DEBTORS IN THE E.P.:

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1. **STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, ERNAKULAM.**

2. **COCHIN EXPORT PROCESSING ZONE, KAKKANAD, REPRESENTED BY ITS DEVELOPMENT COMMISSIONER.**

BY GOVERNMENT PLEADER SRI.SHYSON P.MANAGUZHA

RESPONDENTS: DECREE HOLDERS IN TH E.P.:

UNNIKRISHNAN NAIR S/O. PARUKUTTY AMMA, KULAVELIL, THUTHIYOOR, KOCHI-30.

BY ADV. SMT.PREETHY KARUNAKARAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

C.R.P. No.397 of 2004 G

Dated this the 18th day of July, 2007.

O R D E R

The Government is aggrieved by the order of the Execution Court determining that the balance amount due from the Government/Judgment Debtor in a Land Acquisition Decree is Rs.95,531.35.

2. I am of the view that, having regard to the principles laid down by the Constitution Bench of the Supreme Court in **Sunder v. Union of India {2001 (3) KLT 489}** and the decision of the Supreme Court in **Gurpreet Singh v. Union of India {2006(8) SCC 457}** regarding the mode of appropriation of part payments towards decree debt in Land Acquisition cases, the matter requires reconsideration.

3. Accordingly, I set aside the impugned order and direct the Execution Court to pass fresh orders at the

earliest, at any rate within one month of receiving a copy of this judgment as to what is the correct amount due to the decree holder under the decree in question.

Civil Revision Petition is disposed of as above.

Sd/-
(PIUS C. KURIAKOSE)
JUDGE

sk/

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